

Public Law 95-393
95th Congress

An Act

Sept. 30, 1978
 [H.R. 7819]

To complement the Vienna Convention on Diplomatic Relations.

Diplomatic
 Relations Act.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

22 USC 254a
 note.

SECTION 1. This Act may be cited as the "Diplomatic Relations Act".

DEFINITIONS

22 USC 254a.

SEC. 2. As used in this Act—

(1) the term "members of a mission" means—

(A) the head of a mission and members of the diplomatic staff of a mission,

(B) members of the administrative and technical staff of a mission, and

(C) members of the service staff of a mission,

as such terms are defined in Article 1 of the Vienna Convention;

(2) the term "family" means—

(A) the members of the family of a member of a mission described in paragraph (1) (A) who form part of his or her household if they are not nationals of the United States, and

(B) the members of the family of a member of a mission described in paragraph (1) (B) who form part of his or her household if they are not nationals or permanent residents of the United States,

within the meaning of Article 37 of the Vienna Convention;

(3) the term "mission" includes missions within the meaning of the Vienna Convention and any missions representing foreign governments, individually or collectively, which are extended the same privileges and immunities, pursuant to law, as are enjoyed by missions under the Vienna Convention; and

(4) the term "Vienna Convention" means the Vienna Convention on Diplomatic Relations of April 18, 1961 (T.I.A.S. numbered 7502; 23 U.S.T. 3227), entered into force with respect to the United States on December 13, 1972.

ESTABLISHMENT OF THE VIENNA CONVENTION AS THE UNITED STATES LAW ON DIPLOMATIC PRIVILEGES AND IMMUNITIES

Repeal.

SEC. 3. (a) (1) Sections 4063 through 4066 of the Revised Statutes of the United States (22 U.S.C. 252-254) are repealed.

(2) The section analysis of title XLVII of the Revised Statutes of the United States is amended by striking out the items relating to sections 4063 through 4066.

22 USC 254b.

(b) Members of the mission of a sending state which has not ratified the Vienna Convention, their families, and the diplomatic couriers of such state, shall enjoy the privileges and immunities specified in the Vienna Convention.

AUTHORITY TO EXTEND MORE FAVORABLE OR LESS FAVORABLE TREATMENT

SEC. 4. The President may, on the basis of reciprocity and under such terms and conditions as he may determine, specify privileges and immunities for members of the mission, their families, and the diplomatic couriers of any sending state which result in more favorable treatment or less favorable treatment than is provided under the Vienna Convention.

22 USC 254c.

DISMISSAL OF ACTIONS AGAINST INDIVIDUALS ENTITLED TO IMMUNITY

SEC. 5. Any action or proceeding brought against an individual who is entitled to immunity with respect to such action or proceeding under the Vienna Convention on Diplomatic Relations, under section 3(b) or 4 of this Act, or under any other laws extending diplomatic privileges and immunities, shall be dismissed. Such immunity may be established upon motion or suggestion by or on behalf of the individual, or as otherwise permitted by law or applicable rules of procedure.

22 USC 254d.

REQUIREMENT FOR LIABILITY INSURANCE

SEC. 6. (a) Each mission, members of the mission and their families, and individuals described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946, shall comply with any requirement imposed by the regulations promulgated by the President pursuant to subsection (b).

22 USC 254e.

(b) The President shall, by regulation, establish liability insurance requirements to be met by each mission, members of the mission and their families, and individuals described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946, relating to risks arising from the operation in the United States of any motor vehicle, vessel, or aircraft.

Regulations.

(c) The President shall take such steps as he may deem necessary to insure that each mission, members of the mission and their families, and individuals described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946, who operate motor vehicles, vessels, or aircraft in the United States comply with the requirements established pursuant to subsection (b).

SEC. 7. (a) That chapter 85 of title 28, United States Code, is amended by the addition of the following new section:

“§ 1364. Direct actions against insurers of members of diplomatic missions and their families

28 USC 1364.

“(a) The district courts shall have original and exclusive jurisdiction, without regard to the amount in controversy, of any civil action commenced by any person against an insurer who by contract has insured an individual, who is a member of a mission (as defined in the Vienna Convention on Diplomatic Relations) or a member of the family of such a member of a mission, or an individual described in section 19 of the Convention on Privileges and Immunities of the United Nations of February 13, 1946, against liability for personal injury, death, or damage to property.

“(b) Any direct action brought against an insurer under subsection (a) shall be tried without a jury, but shall not be subject to the defense that the insured is immune from suit, that the insured is an indispensable party, or in the absence of fraud or collusion, that the insured has violated a term of the contract, unless the contract was cancelled before the claim arose.”

(b) The chapter analysis of chapter 85 of title 28, United States Code, is amended by adding after the item relating to section 1363 the following new item:

"1364. Direct actions against insurers of members of diplomatic missions and their families."

CONFORMING AMENDMENTS TO TITLE 28

SEC. 8. (a) (1) Section 1351 of title 28, United States Code, is amended to read as follows:

"§ 1351. Consuls, vice consuls, and members of a diplomatic mission as defendant

"The district courts shall have original jurisdiction, exclusive of the courts of the States, of all civil actions and proceedings against—

"(1) consuls or vice consuls of foreign states; or

"(2) members of a mission or members of their families (as such terms are defined in section 2 of the Diplomatic Relations Act)."

(2) The chapter analysis of chapter 85 of such title 28 is amended by amending the item relating to section 1351 to read as follows:

"1351. Consuls, vice consuls, and members of a diplomatic mission as defendant."

(b) (1) Section 1251(a) of such title 28 is amended to read as follows:

"(a) The Supreme Court shall have original and exclusive jurisdiction of all controversies between two or more States."

(2) Section 1251(b) (1) of such title 28 is amended by striking out "brought by" and all that follows through "consuls or" and inserting in lieu thereof "to which ambassadors, other public ministers, consuls, or".

EFFECTIVE DATE

SEC. 9. This Act shall take effect at the end of the ninety-day period beginning on the date of its enactment.

Approved September 30, 1978.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 95-526 (Comm. on International Relations).

SENATE REPORTS: No. 95-958 (Comm. on Foreign Relations) and No. 95-1108 (Comm. on the Judiciary).

CONGRESSIONAL RECORD:

Vol. 123 (1977): July 27, considered and passed House.

Vol. 124 (1978): Aug. 17, considered and passed Senate, amended.

Sept. 18, House concurred in Senate amendments.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS:

Vol. 14, No. 40 (1978): Oct. 2, Presidential statement.

Jurisdiction.

22 USC 254a
note.